

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division**

**UNITED STATES OF AMERICA**

**v.**

**JAMES LINDSEY**

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**1:08cr50**

**ORDER**

On October 7, 2008, defendant was sentenced in this matter to a term of imprisonment of five months, to be followed by three years of supervised release, with the special condition that he serve five months in community confinement. The Probation Officer has advised that defendant was directed to report to the Bureau of Prisons to commence service of his custody sentence today. Yet, on January 14, 2009, the government filed a tardy motion to reduce defendant's sentence pursuant to Rule 35, Fed. R. Crim. P.

To give the Court adequate time to consider the government's Rule 35 motion,

It is hereby **ORDERED** that defendant's reporting date is **STAYED** pending further order of the Court.

The Clerk is directed to send a copy of this Order to the Bureau of Prisons, the Marshal's Service, the Probation Office and all counsel of record.

/s/

January 15, 2009  
Alexandria, VA

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T. S. Ellis, III  
United States District Judge